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Europäisches
Patentamt

Eingangs-
stelle

European
Patent Office

Receiving
Section

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des brevets

Section de
Dépôt

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Datum/Date

21/08/00

Zeichen/Ref./Réf.	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°
	00906851.1- -PCT/SG0000012
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire	
SINGAPORE POLYTECHNIC	

ENTRY INTO THE EUROPEAN PHASE BEFORE THE EUROPEAN PATENT OFFICE

NOTE: These notes describes the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully; failure to take the necessary action in time can lead to your application being deemed withdrawn.

1. European patent application no. 00906851.1 has been allotted to the above-mentioned international patent application.
2. Applicants WITHOUT a residence or their principal place of of business within the territory of an EPC Contracting State may themselves initiate European processing of their international application, provided they do so before expiry of the 21st or 31st month from the the priority date (see also point 7 below).

During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Articles 133(2) and 134(7) EPC).

Procedural acts performed after expiry of the 21st or 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.



3. Applicants WITH a residence or their principal place of business within the territory of an EPC Contracting State are not obliged to appoint a professional representative authorised to act before the EPO for the European phase before the EPO as a designated or elected Office.
However, in view of the complexity of the procedure it is recommended that they do so.
4. Applicants and professional representatives are strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.
5. TO ENTER THE EUROPEAN PHASE BEFORE THE EPO, the following acts must be performed. (NB: Failure validly to do so will entail loss of rights or other adverse legal consequences).
 - 5.1 If the EPO acting as DESIGNATED OFFICE under Article 22(1) PCT, applicants must, within 21 months from the date of filing or (where applicable) the earliest priority date:
 - a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Article 22(1) PCT and Rule 107(1)a) EPC).
If the translation is not filed in due time, the international application is deemed to be withdrawn before the EPO (Article 24(1)(iii) PCT).
 - b) Pay the national basic fee and, where a supplementary European search report has to be drawn up, the search fee (Rule 107(1)c) and e) EPC).
 - c) Within six months from publication of the international search report, pay a designation fee for each designated Contracting State (Rule 107(1)d) EPC), and file a written request for examination and pay the examination fee (Rule 107(1)f) EPC).

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5.2 If the EPO is acting as ELECTED OFFICE under Article 39(1)a) PCT, applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:

- a) File a translation as per 5.1 a) above.
- b) Pay the fees as per 5.1 b) above.
- c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee for each designated Contracting State (Rule 107(1)d) EPC).
- d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination A N D pay the examination fee (Rule 107(1)f) EPC).
- e) Pay the renewal fee for the third year, if it falls due before the expiry of the 21-month time limit (Rule 107(1)g) EPC)

5.3 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (Rule 110(1) EPC). The fee can however still be paid within a period of grace of one month from notification of an EPO communication (Rule 110(2) EPC).

- 6. If the necessary fees are not paid in time, they may still be validly paid within a period of grace of one month from notification of an EPO communication, subject to payment at the same time of a surcharge for each late-paid fee (Rule 85a(1), 85b EPC). For the renewal fee, the period of grace is six months from the fee's due date (Article 86(2) EPC).
- 7. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.

All subsequent communications will be sent to the applicant, or - if the EPO is informed of his appointment in time - to the applicants's European representative.

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8. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent
Guide for applicants - Part 2
PCT procedure before the EPO - "EURO-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and the latest fees are all on the internet under

<http://www.european-patent-office.org>.

RECEIVING SECTION



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